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A DAY IN COURT.

An Active Calendar In the Arena of Law.

DIVORCE MILL GRINDS AWAY

Various Items of More or Less Important Litigation in Two Courts.

The bonds of matrimony previously existing between Kela Kaka Marquez and Francisco Del Almeda Marquez were dissolved by decree of the First Circuit Court on Saturday upon the grounds of desertion.

A bill of exceptions was filed Saturday by the plaintiff in the case of Corinne Bartlett vs. Ward S. Bartlett, an action for divorce, by her attorneys, Kinney, Bailou & McClanahan. Later plaintiff filed a withdrawal of her motion for a re-opening of the case in the First Circuit Court.

The First Circuit Court on Saturday granted a decree of divorce in the case of Ana Kahaula vs. Kilihi, upon the grounds of failure to support, cruelty and habitual intemperance.

In the suit of Marie Josephine Hall against William A. Hall for divorce upon the grounds of adultery and failure to provide, hearing was had yesterday afternoon in the First Circuit Court on the motion for alimony. Attorneys' fees and costs. The motion was granted and the defendant ordered to pay, within thirty days, the sum of \$100 to J. E. Bolt, attorney for plaintiff, as retainer, and also to pay forthwith the sum of \$15 as court costs and to pay the plaintiff \$15 per week as alimony, pending decision, the first of such payments to be made the 15th of the current month, and the court further ordered that the injunction heretofore made against the defendant be modified to the extent that he be allowed to mortgage his real estate at the sum of \$1,000 at a rate of not to exceed 9 per cent.

The petition of the plaintiff alleges that defendant is the owner of land near St. Louis College to the value of \$30,000. The hearing of the case is set for the May term.

WILL GRANT PERMIT.

Upon the petition of Kan Wing Chew, alleging that he had filed an application for a permit for a two-story wooden frame building on Smith street, complying in all conditions with the law, and that the permit had been refused by the Superintendent of Public Works, the Judge of the First Circuit Court issued a writ of mandamus on Friday commanding Superintendent of Public Works McCandless and his assistant, W. E. Rowell, to issue the permit in question or to appear in court and show cause why such permit had been refused.

The petition of the Chinese is accompanied with the affidavit of Lorrin Andrews, in which it is stated that Assistant Superintendent Rowell told him on February 23 that the application was all right, but asked why Kan Wing Chew would not build a brick building. Upon information and belief, Andrews also states that McCandless has given instructions to the employees of his own office, those of the Board of Health department, and especially those of the survey department, to hinder and delay all applications for permits for wooden buildings in the burnt district.

The answer of the defendants was filed yesterday afternoon, denying the complainant's allegation of neglect and disregard of duty in the premises, admitting that the complainant is entitled to the permit prayed for and signifying their willingness to sign the same.

MORE TROUBLE FOR SUGAR CO.

A motion for leave to intervene was filed Saturday in the case of Gear, Lansing and Company vs. the Maunalei Sugar Company, by David Dayton, trustee of the estate of Walter M. Gear, deceased, William H. Pain and Paul Neumann, in the First Circuit Court.

The intervenors allege that they make the motion in protection of their rights; that they are the owners of certain lands on the island of Lanai which are at present in the possession of the Maunalei Sugar Company under lease for fifty years, said lease beginning March 13, 1899, said lands being leased to the lessor for the purpose of the establishment and carrying on of a sugar plantation, at a rental of \$20,000 for the period of two years from April 1, 1899, and said rental to be payable semi-annually in advance in equal installments of \$5,000 each.

This lease, it is alleged, was originally made to Albert V. Gear and Theodore F. Lansing, under the firm name of Gear & Lansing, but that upon the incorporation of the Maunalei Sugar Company, Limited, March 14, 1899, the lease was assigned to the said corporation, which thereupon entered into possession of the land and conducted thereon a sugar plantation.

The plaintiffs in the case, Gear and Lansing, are alleged to have been at the time of incorporation, the largest shareholders in the corporation, and holding the offices of president and treasurer, respectively, the Territorial Treasurer's records being referred to in the motion.

It is further alleged that the rental for the land was duly paid up to April 1, 1900, but that on that date \$5,000 became due, and on October 1, 1900, the further sum of \$5,000 became due, as rental, neither of which sums, nor any part thereof has been paid to the intervenors, although repeated demands have been made for the payment of the same; that at the request of the plaintiffs and the defendant corporation had expectations of being upon a sound financial basis in the month of December; that later further deferment was made by the intervenors because of reluctance to hamper the reorganization of the defendant corporation, and a third postponement, at the request of the debtors, carried the matter over until March 2, 1901, at which time the intervenors were informed by the officers of the corporation that they were unable to pay the said rent and that they attempted to reorganize said company had been ineffective.

Thereupon notice was given the corporation that the intervenors would distrain upon its property for the rent due, and expose the property of the corporation for sale according to law; authorization was given to L. M. Vettesen of Keomoku, Lanai, to distrain in their behalf, but that upon March 6, 1901, the intervenors were served with copies of plaintiffs' bill of complaint and with an injunction of the court enjoining them from distraining, seizing or interfering with said property.

Accompanying the motion were substantiating affidavits by Paul Neumann and William H. Pain, and notice was given that the motion would be presented to the court yesterday morning at 10 o'clock, but its hearing was postponed until this afternoon at 4 p. m.

PROBATE.

A deed of appointment was filed in the First Circuit Court yesterday appointing William O. Smith trustee in the estate of J. H. Wood, deceased, to succeed Henry Waterhouse, whose resignation has been duly filed.

Jas. N. K. Keola, the commissioner appointed to take testimony in re the last will and testament of A. A. Dolron, deceased, yesterday filed the evidence of John T. Aluli, one of the witnesses to the will of the deceased. Aluli admits the signature and declares the deceased to have been sound in mind and body and entirely competent to make a will at that time—July, 1895.

Return was made yesterday by L. E. Levin, deputy sheriff of Hilo, of an execution issued out of the Supreme Court last December, ordering a levy and auction sale of the personal property of the Kaawali Coffee Company. The return shows the proceeds of the sale to have been \$87.9 and the expenses are taxed at \$17.44, leaving a net of \$13.55. The execution was for \$134.44, that sum being the total of a judgment given the plaintiff in the damage suit of H. Hackfeld & Co. vs. the Kaawali Coffee Company, and costs of suit.

COURT NOTES.

A notice to place cause on calendar has been filed by Smith and Parsons attorneys for plaintiff, in the Supreme Court, on exceptions to the Fourth Judicial Court in the case of Henry J. Lyman vs. Hilo Tribune Publishing Company, Limited.

The petition of the Hawaiian Trust and Investment Company, guardians of the five Kahookano children, was heard in the First Circuit Court yesterday afternoon, decision being reserved until 10 o'clock this morning. The petitioner prays for authority to convey real property.

The case of Ng Chung Tug vs. Jick Kee, decision in which was given by the Judge of the Supreme Court on Friday, was yesterday remanded to the First Circuit Court for further proceedings in accordance with the decision.

A petition for involuntary bankruptcy was filed in the District Court yesterday by the creditors of Kinsaburo Tomishima, a storekeeper on the Oahu plantation; liabilities estimated at \$15,000.

Edgar Henriques was yesterday discharged by decree of the First Circuit Court from the office of trustee for Henry Kohl, Jr., a minor, and his bond cancelled, in accordance with his petition. Alfred Dahlstrom, a native of Sweden, aged 37, was admitted to citizenship yesterday in the United States District Court.

The case of Kamaka Kekaouha vs. Schooner Robert Lewers Company is still the subject of trial in the United States District Court.

Plaintiff's bill of costs was yesterday filed in the Supreme Court in the case of Charles E. Bartlett vs. Hawaiian Carriage Manufacturing Company, Limited, showing a total of \$74.62. A remittitur was also filed by W. O. Smith and R. D. Mead, attorneys for plaintiff, remitting the sum of \$88, with accrued interest, from the \$187 allowed as damages on the 24th of May, 1900, by judgment of jury.

Argument in the case of Kapilani Estate vs. Mary H. Atcherly was had in the First Circuit Court yesterday. The decision was reserved, briefs to be filed with the court by the respective counsels.

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